

JUL 23 2019

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

JULIA C. DUDLEY, CLERK
BY: *ASeagle*
DEPUTY CLERK

UNITED STATES OF AMERICA)

v.)

MARCUS JAY DAVIS, et al.,)

Defendants.)

Case No.: 4:18-cr-00011

By: Michael F. Urbanski
Chief United States District Judge

ORDER

This matter comes before the court on numerous motions to dismiss specific counts in the First Superseding Indictment. For the reasons explained in the accompanying Memorandum Opinion, the court rules as follows:

The government's motion to dismiss Counts 5, 9, 15, and 19 without prejudice, ECF No. 490, is **GRANTED**. Thus, to the extent ECF Nos. 342, 349, 351, 357, 359, and 361 seek dismissal of these counts, these motions are **GRANTED in part**. ECF Nos. 457, 460, and 461 are **GRANTED**.

Defendants' motions to dismiss § 924(c) counts based upon Virginia murder and attempted murder are **DENIED**. Thus, to the extent that defendants' motions ECF Nos. 342, 349, 351, 357, 359, and 361 seek dismissal of Counts 3, 7, 11, 13 or 17, these motions are **DENIED in part**.

Defendants' motions to dismiss the Violent Crimes in Aid of Racketeering ("VICAR") Assault with a Dangerous Weapon counts based on the Virginia misdemeanor

brandishing statute are **GRANTED**. Thus, ECF Nos. 355, 358, and 362 are **GRANTED**.

Counts 4, 8, 14 and 18 are **DISMISSED**.

ECF No. 348 is **DENIED** as moot.

It is so **ORDERED**.

Entered: 07-22-2019

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge